

BEING A BYLAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA TO PROVIDE FOR FULL OR PARTIAL EXEMPTIONS FROM TAXATION FOR THE REDEVELOPMENT OF BROWNFIELD PROPERTIES PURSUANT TO SECTION 364.1 OF THE MUNICIPAL GOVERNMENT ACT.

WHEREAS pursuant to Section 364.1 of the *Municipal Government Act*, and amendments thereto, a Council may pass a bylaw providing for full or partial exemptions from taxation for “Brownfield Properties”, as defined by the Act, for the purpose of encouraging development or redevelopment for the general benefit of the municipality; and

WHEREAS, Council deems it desirable to encourage the redevelopment of brownfield properties to foster revitalization of underutilized properties, provide additional long-term assessment, and support the local economy; and

WHEREAS, the development of Brownfield Properties has a multiplier effect and can stimulate the community and foster business development;

NOW THEREFORE, the Council of the Town of Westlock, duly assembled enacts as follows:

1. TITLE

This Bylaw may be cited as the “Brownfield Tax Incentive Bylaw”.

2. DEFINITIONS

In this Bylaw, unless context otherwise requires:

- 2.1 Act** means the *Municipal Government Act*, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto.
- 2.2 Applicant** means the owner of the property for which the exemption subject to the application is located, or their designate.
- 2.3 Brownfield Property** means a property where there are substances occurring in concentrations exceeding the maximum acceptable amounts permitted under *Environmental Protection and Enhancement Act* that are present in, on, or under the site.
- 2.4 Chief Administrative Officer (CAO)** means the Chief Administrative Officer of the Town of Westlock appointed by Council.

- 2.5 Commencement of Construction** means the Applicant has completed construction of all footings and foundations required for the construction of the Approved Development, in accordance with the Development Permit.
- 2.6 Completion of Construction** means the Applicant has completed construction of the Approved Development in accordance with the Development Permit.
- 2.7 Council** means the duly elected officers of the Town of Westlock.
- 2.8 Construction Schedule** means the schedule of key milestones in relation to the development or redevelopment of the Parcel, in each of the Exemption Years.
- 2.9 Deferral** means the deferral of the collection of Taxes for the Exemption Years, or any Tax year, or Tax years, thereof.
- 2.10 Exemption** means a Full Exemption and/or Partial Exemption
- 2.11 Exemption Years** means the Taxation year or years for which a Brownfield Property may qualify for a Tax Incentive.
- 2.12 Full Exemption** means a full exemption from municipal taxation for the Exemption Years, or any Tax year, or Tax years, thereof.
- 2.13 MGA** means the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended from time to time.
- 2.14 Owner** means the Person who is registered under the Land Titles Act, as the owner of the fee simple estate in the Parcel.
- 2.15 Parcel** means the Brownfield Property that is the subject of an application made pursuant to this Bylaw.
- 2.16 Partial Exemption** means a partial exemption from municipal taxation for the Exemption Years, or any Tax year, or Tax years, thereof.
- 2.17 Project** means the new construction, expansion, or refurbishment on a parcel that increases its assessment value.
- 2.18 Purchaser** means a Person who has entered into a Real Estate Purchase Contract with an Owner for the purchase of a Parcel.
- 2.19 Taxation or Tax** means taxation under Part 10, Division 2 of the MGA.

2.20 Tax Incentive means a Full Exemption, Partial Exemption or Deferral.

2.21 Town means the municipality of the Town of Westlock.

3. CRITERIA FOR A TAX EXEMPTION

3.1 To be eligible for a tax exemption the following criteria must be met:

- a) The project shall be constructed on a Brownfield Property as certified by an Environmental Site Assessment (ESA) or Record of Site Condition prepared by a professional;
- b) The project shall have an assessed value at or above one million dollars (\$1,000,000);
- c) The project shall not have commenced prior to the passing of this Bylaw;
- d) The development shall be of a permanent nature;
- e) The development shall conform with the Town of Westlock's Municipal Development Plan, Land Use Bylaw, and all other applicable municipal or provincial legislation;
- f) The development proposed shall be consistent with the uses prescribed in the property's respective Land Use District;
- g) The applicant shall not have any compliance issues, be in violation of a development permit and/or agreement, or be in violation of the Safety Codes Act at any time from the time of application to the end of the exemption period;
- h) The property shall not be eligible for any other tax credit or exemption offered by the Town or granted under the MGA;
- i) The applicant shall not be in arrears or have amounts owing to the Town relating to property taxes, utilities or any other fees and charges;
- j) The applicant shall not be in the process of foreclosure, bankruptcy, or receivership.

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4. INELIGIBLE PROJECTS

4.1 Any projects or properties that are assessed as Linear Property or Designated Industrial Properties are ineligible for the property tax incentive program.

5. DETAILS OF EXEMPTION

5.1 The exemption shall apply only to municipal taxes. Provincial Education and Senior Housing property tax levies are outside the jurisdiction of the Town and are excluded from any exemption.

5.2 The maximum length of a tax exemption shall be five (5) consecutive taxation years.

5.3 The tax exemption shall only apply to the increased assessment amount as a result of the Project.

5.4 Projects meeting the criteria outlined in Section 3 may be granted up to a maximum of the following tax exemptions:

Exemption Amount	
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%

5.5 The exemption shall be granted for the tax year immediately following the Project being deemed complete, assessable, and available for use.

5.6 Applications may be considered and approved in accordance with this Bylaw before construction on the qualifying Project is complete. However, the calculation of the exemption and exemption period will not be confirmed until the Project is complete, the development is inspected and approved, and the property is assessed for taxation.

5.7 A property shall only be eligible for one (1) tax incentive exemption.

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6. CHANGE IN OWNERSHIP

- 6.1** Change in ownership of a property will not affect a granted exemption unless the new owner(s) fall within one or more of the terms of disqualification.
- 6.2** To maintain eligibility for a granted exemption, the new owner(s) must assume the obligations that arise under the written decision in accordance with Section 8.0 of this Bylaw.

7. APPLICATION PROCESS

- 7.1** The CAO, or delegate, shall have the authority to determine whether an exemption will be granted in accordance with the terms and conditions of this Bylaw.
- 7.2** The application process shall be as follows:
 - a) The Applicant shall submit a completed application form (Schedule A) to the Town of Westlock Planning & Development department for consideration;
 - b) The Town has the discretion to reject applications that are incomplete, ineligible, or provided after the deadline provided for in this Bylaw;
 - c) Applications must contain the following information:
 - i. the Applicant's name, address, and telephone number;
 - ii. owner authorization, if the Applicant is not the Owner;
 - iii. if the Applicant is a Purchaser of a Brownfield Property, documentation evidencing the Purchaser's interest in the Parcel;
 - iv. a proposed Construction Schedule showing timelines for remediation and development of the Parcel, including timelines for commencement and completion of all work; and
 - v. evidence of contamination certifying the Parcel as a Brownfield Property; and

- vi. any other information required by the CAO to further evaluation the application.
- d) An applicant may resubmit an application that has previously been deemed incomplete;
- e) Resubmissions must be made within 14 days of the date of the notice communicating that the application is incomplete;
- f) The Town may require any additional information that, in its discretion, is necessary to consider the eligibility of the application or to confirm ongoing compliance with the eligibility criteria of the exemption;
- g) The Town will advise applicants in writing if their application has been accepted. Accepted applications will become the property of the Town and may not be returned.

7.3 Applications must be received by December 31 of the year prior to the first tax year for which a Project would be eligible for a tax exemption.

8. DECISION ON EXEMPTION

8.1 If the CAO (or designate) approves the application, the Applicant will receive the following information in writing:

- a) The taxation years to which the exemption applies and the amount of exemption for the respective tax year;
- b) Conditions, the breach of which would result in the cancellation of the exemption;
- c) The date on which the exemption shall take effect; and
- d) Any other information the Town deems relevant.

8.2 Should the CAO (or designate) not approve the application, the CAO will issue a written decision to the Applicant outlining the following:

- a) The reasons detailing why the Project fails to qualify for the exemption; and
- b) The date by which an application for an appeal to Council must be submitted.

- 8.3** The decision on an application may not be finalized until after the final assessment values are confirmed by the Town's assessor on February 28 of the subject taxation year.
- 8.4** At any time, the CAO may require the Applicant to provide any documents deemed necessary to verify any information contained in an application, or to confirm ongoing compliance with a certificate granting an Exemption, the criteria and conditions set out in this Bylaw, and to confirm the calculation of the Exemption.

9. CANCELLATION OF EXEMPTION

- 9.1** The Town may cancel the exemption for a taxation year or years if at any time after an exemption is granted the Town determines that:
- a) The Applicant or their application did not meet or ceased to meet any of the criteria required for granting an exemption;
 - b) The Applicant has deviated from the provided construction schedule more than is reasonable or has ceased construction; and/or
 - b) There was a breach of any condition contained in the decision to grant the extension.
- 9.2** A written decision to cancel an exemption must be provided to the Applicant and must include reasons for the cancellation, identify the taxation year or years to which the cancellation applies, and provide the date for which an application for an appeal to Council must be submitted.

10. COUNCIL REVIEW

- 10.1** An applicant may apply to Council for a review of a decision made by the CAO (or delegate) regarding an application for a non-residential property tax exemption in the following situations:
- a) An application for an exemption is refused or rejected; or
 - b) An exemption is cancelled.
- 10.2** A request for review must be in writing and be received by the Municipal Clerk no later than 30 days following the receipt of the written decision of refusal or cancellation.

- 10.3** Town Council shall conduct a review within 90 days of the receipt of an application for review submitted in accordance with Section 9.2 at a regularly scheduled meeting of Council.
- 10.4** Remedies available to Council upon conclusion of a review are:
 - a) Council may uphold the decision of the CAO (or designate) to reject an application or revoke a previously approved exemption; or
 - b) Council may direct the CAO (or designate) to revise a decision with respect to the outcome of an application or cancellation of an exemption.
- 10.5** The decision of Council shall be final and binding on all parties except in the case where the decision is the subject of an application for judicial review, and such application must be filed with the Court of King's Bench not more than 60 days after the date of decision.

11. REVIEW OF BYLAW

- 11.1** This Bylaw shall be brought before Council for review every five (5) years, to evaluate the progress of the incentive program and any required amendments.

12. SEVERABILITY

- 12.1** If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Sections or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

13. EFFECTIVE DATE

This Bylaw becomes effective upon third and final reading.

READ a first time this 12 day of November 2024.

PUBLIC HEARING held this 9 day of December 2024.

READ a second time this 9 day of December 2024.

READ a third and final time and passed this 9 day of December 2024.

Signed by Mayor and CAO this 9 day of December 2024.



Jon Kramer, MAYOR

Simone Wiley, CAO